

Title 142 - NEBRASKA EQUAL OPPORTUNITY COMMISSION
ACT PROHIBITING UNJUST DISCRIMINATION
IN EMPLOYMENT BECAUSE OF AGE

Chapter 3 - SUBPOENAS; ATTENDANCE; FEES; OATHS AND AFFIRMATIONS

001 Subpoenas.

001.01 Issuance of Subpoena. Whenever in the discretion of the Commission it is deemed necessary to compel the attendance of witnesses or the production for examination of any books and papers relating to any matter under investigation or in question before the Commission, the Commission may issue a subpoena and thereby compel such attendance of witnesses or production for examination of books and papers.

001.02 Issuance of Subpoena at Instance of Party. The Commission shall issue such subpoena at the instance of any party to a proceeding upon a showing of necessity therefore.

002 Fees. Where a subpoena is applied for and issued at the instance of any party to a complaint or other proceeding, the cost of service, witness and mileage fees shall be borne by the party at whose instance it has been requested and issued unless otherwise ordered by the Commission. Where a subpoena is issued at the instance of the Commission or any member thereof, the cost of such service, witness and mileage fees shall be borne by the Commission. Such witness and mileage fees shall be made in an amount allowed under the rules governing such payment by the district courts of the State of Nebraska.

003 Petition to Revoke Subpoena.

003.01 Within five (5) days (excluding Saturdays, Sundays and official State holidays) after the service of a subpoena on any person, including the Chairman or any Commissioner, requiring the attendance of said person as a witness at an investigation, or requiring the production of any evidence in her or his possession or under her or his control, such person may petition the Commission in writing, personally or by registered or certified mail, to revoke the subpoena.

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003.01 (continued) The Commission shall revoke such subpoena if, in its opinion, the attendance of the person subpoenaed or the evidence, the production of which is required does not relate to any matter under investigation or to any matter in question in such proceedings before the Commission, or if in its opinion, such subpoena does not describe with sufficient particularity the reasons requiring the attendance of a person as a witness, or the evidence, the production of which is required. If the Chairman or any Commissioner has been served with a subpoena, then the Chairman or Commissioner so served shall not participate in the decision of the Commission with respect to such petition.

003.02 If a petition to revoke a subpoena is properly served, the person on whom the subpoena has been served shall not be required to respond to such subpoena until the Commission has acted upon the petition.

004 On the failure of any person to obey a subpoena issued by the Commission, the Commission shall make application to the district court of the county in which the witness resides or transacts business or is found, for an order from the court for such person to show cause why she or he shall not be held in contempt of court except as provided in 3.003.

005 Any Commissioner participating in an investigation may administer oaths or affirmations.